

Board of Mayor and Aldermen  
Regular Meeting, Nolensville Town Hall  
Thursday, November 4, 2004, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:00 p.m. Members present were Mayor Knapper, Aldermen Tommy Dugger, Larry Felts, Gail Phillips and Frank Wilson. Counsel Robert Notestine, Police Chief Jeff Goforth, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 57 citizens present.

Alderman Wilson led the pledge and prayer.

Mayor Knapper then noted there was a handout distributed in conducting a meeting. He asked the board to reaffirm the rules and the board agreed unanimously. Mayor Knapper noted that personal attacks will not be tolerated.

Citizens Comments:

Ms. Carla Ediger read a letter that had been sent by Dr. James Clark of 921 Oldham Drive. This letter is in opposition of the sprinkler ordinance and is attached to the minutes.

Mr. Aubrey Short, 803 Rockwood Drive, distributed a handout. He noted that he was one of the eleven members on the committee to incorporate. He read an e-mail that had been sent to the board and noted that he had not received a response from this e-mail.

Mr. Phillip Tuck, 812 Alec Court, thanked the Board for serving. He noted that their job was to act on what the people wanted. He noted that the Sheldon Park pulled the "wool" over their eyes. He noted that Nolensville was even made "fun of" in the paper. Sheldon Park had said they went from 120 to 77 homes, but an ordinance was passed to ½ acre. Traffic is an issue. People will be using the subdivision to get to Nolensville Road. We don't need any more PUD's in Nolensville. People want a higher quality of life. He stated that he wished Joe Rossi was here. He asked that this be deferred.

Ms. Cindy Arnold, 878 Dortch Lane, stated that she knew when she bought here there would be a possibility of growth. All she wants is the same ½ acre lots. She ask the board to look at the recent election results, this would confirm what the people want. The county is zoned 1.8 she asked the board to research this. She further stated that she is aware that the public hearing and final reading is tonight. She ask that the board defer second reading and digest the public input. She further noted that in regards to TDOT's meeting and with the new additional subdivisions, the infrastructure is not in place to accommodate the automobiles.

Mayor Knapper stated that this is not second reading for the Sheldon Park ordinance. He stated that in TDOT's discussion they were referring to 840 to Nashville.

Ms. Tara Brock, 806 Stonebrook Boulevard, stated that she has a water flow problem and concern. She noted that she has lived her most of her life and have had water problems before, but never as bad. Flooding was in the garage. The culverts were cleaned once before and the flow was better. She noted that creek beside her home, which the town engineer called a ditch, had 5 foot of water. Mayor Knapper noted that this has been brought to the town's attention and the town engineer and attorney will be discussing this in the near future. He further noted that there is private property issue and this will be reviewed.

Mr. Chuck Fann, 2176 Kidd Road, stated that at the last meeting real estate agents were in attendance and he was uncertain of their motivation. He stated that in the past he has spoken out on this ordinance. He stated that he is a resident and a real estate agent and he can sell a house anywhere, but Nolensville will get a stigma. He stated that he commended Chief Hughes, but thinks it should be a suggestion not a requirement.

Dr. Ted Behar, 9868 Sam Donald Road, stated that he thought what was important to view in this ordinance is the method, timing and motive of this process. Why is being decided now after 22 months of deliberation? The timing, two days ago the public chose who they wanted to lead their government. Is this a public desire or a special interest desire? The people will be watching tonight. The public has spoken, will you be listening?

Dr. Joe Curtsinger, 7380 Nolensville Road, noted that he is one of the Aldermen-elect and would like to reiterate his stand on the sprinkler ordinance. He noted that Aubrey Short and Ted Behar stated his concerns.

Ms. Kristie McArthur, 880 Dortch Lane, thanked everyone for having workshops on the OSD's and PUD's. She stated that she is opposed to these developments. She knew the intent was to offer diversity. With Ballenger Farms and Bent Creek the diversity is being offered. Please consider this when Sheldon Park comes up for second reading. She noted that the new plan is improved compared to the first. She ask that the board keep the sprinkler ordinance in OSD's and PUD's. She further stated that she has more invested in this town other than her home. She has family. Preserve the rural character of this town.

Mr. John Sheely, Executive Director of Home Builders Association, stated that there is no national code that requires sprinkler's in residential. He noted that the article in today's paper about water damages. Water claims are a big deal now for homeowners. He further noted that there were 469 false calls in Franklin for fire sprinklers. He noted this was during a time when winter was not "bad". When the false calls are being answered during an ice storm the fire department will be pulled from a real emergency to answer a false call.

Ms. Laura Doyle, 860 Dortch Lane, noted that she bought here because of the ½ acre lot. She encouraged CPS to give them a better plan. Nolensville residents want ½ acre lots.

She stated that an entrance into Rolling Hills will be a hazard. Please make construction entrance on Nolensville Road. Please represent us and give ½ acre lots.

Mr. Dean Doyle, 866 Dortch Lane, Nolensville is a wonderful place to come home to. This is a great bedroom community except from the entrance into Nolensville. CPS knows if they build, people will come. The roads will only become more crowded. How many hours of traffic will you allow us to sit in? I ask you to represent us now. Do not allow traffic into Dortch and Rolling Hills.

Mayor Knapper thanked the audience for their comments.

Alderman Phillips made a motion to approve the minutes from October 7, 2004, Alderman Dugger seconded. These minutes were approved unanimously.

Alderman Felts made a motion to approve the treasurer's report, Alderman Wilson seconded. Recorder Lancaster noted that the cash on hand for the General Fund was \$529,163.51, with cash disbursements being \$52,000. State Street Aid cash on hand was \$132,672.77 with total cash on hand being \$661,836.28. The treasurer's report was unanimously approved.

Mr. Willis Wells Planning Commission Chairman reported the following:

- Noted that the information was before the board in minutes form and asked if they had any questions.
- Road design recommendation for Bent Creek was 35 MPH
- Several revisions to zoning ordinance
- Sprinkler ordinance was discussed with a great deal of diversity
- Storm water ordinance was passed unanimously
- Bent Creek covenants were passed unanimously
- Bond report was approved

Betty Friedlander reported for the Historic Commission:

- Will meet to discuss TDOT grant

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Fire Prevention Month was last month
- One member has completed paramedic program
- Two members have completed rookie school
- Have a certified CPR Instructor
- Have not heard from FEMA grant

Mayor Knapper reported for the Chamber of Commerce.

- No report submitted

Rich Woodroof, Town Engineer/Codes Official reported for the Codes Department.

- 7 building permits were issued
- 50 inspections performed
- Don is back working with the Town of Nolensville
- Attended several TDOT meetings in regards to Sheldon Park and Bent Creek
- China Garden has opened
- Storm Water quality is being monitored

Chief Jeff Goforth reported for the Police Department.

- Stated a written report had been submitted to the board and asked if any member had questions.
- Noted that COPS grant has not been turned down.

Lonnie Bowden, Director of Public Works reported for the Public Works

- Stated a written report will be submitted to the board

Joe Curtsinger reported for the City Hall Committee noting that this is still being pursued. Mayor Knapper noted that we need to get busy on this.

Mayor Knapper's report:

Mayor Knapper noted that he had met with TDOT in regards to widening Nolensville Road. He noted that a period of five to ten years for road construction is very normal. He noted that TDOT has become more consumer friendly.

Counsel Notestine reported on the various lawsuits. He noted that any litigation pending he would not be able to comment, although in one lawsuit a couple has dismissed their case. He noted that it was assumed there would be a court date for the interlocal agreement with Brentwood, although this has not been done as of this date.

Mayor Knapper noted that the Capital Improvements Budget would be presented with the new board.

Fischbach and Associates has recommended the extension of Sam Donald to Clovercroft Road. The Planning Commission recommended 35 MPH and this is going to be re-presented to the Planning Commission requesting 30 MPH.

Mayor Knapper then asked for a recess at 8:10.

The meeting was reconvened at 8:26.

Public Hearing for Zoning Ordinance Amendment #04-16 opened at 8:27.

Mr. Jimmy Alexander, 1010 Dortch Lane, stated that he is Alderman-elect and he attended the first and last meeting with CPS. He stated that Mr. Dudley Smith had one a good job. During his campaign people were clear that they did not want PUD's or OSD's. The elections show that the people want ½ acre lots. At some place we need to draw the line in the sand and stop the OSD's and PUD's.

Mr. Aubrey Short, stated that he had gone through various files during the incorporation committee. He noted the visions at that time were to keep the small town atmosphere, keep the small town feel and be responsive to the people. He noted that he had not been involved for the past four years, although feels that the vision has been lost. He further stated that Nolensville does not need anymore PUD's.

Dr. Ted Behar stated that he sees a contrast in the way the developers are moving. He has seen other developers come into town and bully the public. These developers have listened to the neighbors thoughts.

Ms. Cindy Arnold spoke on green space. She stated that her concern was the responsibility of the upkeep in addition to any illegal activity in the park area. She does not feel that this will be a safe environment for the children. She did recognize that the town needs a senior community and diversity. The people have spoken and they want lower density.

Ms. Darlene Irvin, 7190 Nolensville Road, stated that she commended the Board for their hard work. Over the last 31 years there has been many changes in Nolensville. She remembered when Newt McCord had a farm where the Stonebrook subdivision resides. The tunnel vision is taking over. She ask that everyone look at the advantages of this development. She further stated that the current residents are doing exactly what the residents of Nolensville did years ago when Stonebrook was being developed. We wanted larger lots. We are excited about this development and would like for you to approve Sheldon Park.

Dr. Joe Curtsinger, would like to back the words of Jimmie Alexander. He stated that they went from door to door and one jumped out and said they wanted Sheldon Park. He further noted that the Pulte subdivision will have front end garages and other things that within the current zoning will not be allowed.

Ms. Kristie McArthur, stated that since the first meeting she has gotten back lashed that she did not want Nolensville to grow. Well you can exhale, I know Nolensville is going to grow. People need to understand the piece of land is very unique and we have enough high density now. Please do not approve this.

Mr. John Lenderman, 222 Norfolk Lane, stated with the current zoning CPS could build the 118 homes that was previously proposed. CPS has listened and reduced this number due to the citizens request. You will have larger homes, a park area, side walks and

curbed roads. You have a well thought out development. I encourage you to approve this ordinance.

Kelly Taylor, 898 Dortch Lane, noted that he continually asked his realtor if the property (proposed Sheldon Park) would be developed and if so would it be less than ½ acre. The realtor assured him that it would not. This town has plenty of land to have larger lots. If you want a larger home get a larger lot.

Ms. Beth Loathers, 304 Walpole Court, I love my neighbors and I love my town. We have 1,000 homes coming in. Please listen to the people we want ½ acre lots.

The public hearing closed at 9:15.

Second reading of Ordinance #04-13, an ordinance to amend the zoning ordinance 04-09. Counsel briefly described this ordinance noting that this was changes that had been recommended by Bill Terry.

Alderman Wilson made a motion to approve this ordinance, Alderman Felts seconded and this passed unanimously.

First reading of ordinance #04-17, an ordinance to adopt a Storm Water ordinance for the Town of Nolensville. Town Engineer Rich Woodroof noted that this is an ordinance that has been mandated by the Federal Government. Alderman Phillips made a motion to approve, Alderman Dugger seconded and this passed unanimously.

First reading of ordinance #04-15, an ordinance to amend the sprinkler ordinance #04-02. Counsel Notestine noted that this is an amendment and not an original ordinance. Alderman Dugger made a motion to approve this ordinance, Alderman Wilson seconded. The floor was then opened for comments.

Chief Hughes addressed the board noting that Dr. Clark had raised questions that were answered in February. Mr. Sheley brought the same issues back up. There is a National Standard NFPA. Eighty two percent of fire deaths occur in residential. Every home in Pleasantview has to have a sprinkler system. We took 22 months to pass an ordinance. These changes came to me 9 days before the first reading. The question is why now? Why are we rushing to pass an ordinance now? Why 4,500 square feet. We do not have homes over 4,500 square feet. It was never devised for a revenue maker. It was devised for life safety. Why wasn't the fire department contacted? I offered my assistance on two occasions and haven't heard anything. The Mayor said we want to pass a well thought out ordinance.

The writer of the ordinance said it was a good ordinance to begin with. The Chief quoted the Mayor stating on several issues noting that it is a revenue generator, but there are not very many homes that are that size. Growth should pay for the additional infrastructure not the current residents. The department just purchased a truck for \$382,000. He noted there are 28 volunteers. The Mayor obtained quotes for installation of \$ .87 per square

foot. Last month an issue was raised in regards to mold. The article that was presented said nothing about a sprinkler. The new ordinance does not enhance life safety. A fire wall does not protect the people inside the building. Maintenance of a sprinkler system is tested three times the pressure as plumbing.

Currently the National Fire Sprinkler Association is trying to pass a residential fire sprinkler system. All sprinklers must pass UL.

The Chief addressed the audience and the board with the following statements and questions: No facts from the fire department has been rebutted. Why are they making these changes? Is there a possible conflict of interest? The fire department was never consulted. The volunteers get no compensation.

The Chief ask that the board show their support by declining this ordinance.

Alderman Dugger stated that he would like to present an amendment. He sated that the Chief stressed life safety. His proposal will give the homebuyers an option of paying \$ .80 per square foot or the sprinkler system. The eighty cents will be placed in a fund for the fire department. The department will be able to obtain state of the art equipment. This will be life safety for everyone in Nolensville, not just new residents. This is a win-win situation for everyone. Alderman Dugger stated that he had conferred with Counsel today and he has researched this proposal.

Alderman Dugger then stated that he would like to address some of the issues brought up by the Chief. The chief had asked if anyone benefitted from this ordinance. Alderman Dugger stated that he did not know of anyone that benefitted. Mayor Knapper stated that the Planning Commission had recommended the road and Dr. Curtsinger had made a motion to have the road.

Alderman Dugger further stated that the chief had asked if it was improper to not include the chief. Alderman Dugger stated no. It may have not been the right decision, but it is not improper.

The Chief had also asked if anyone would benefit financially. Alderman Dugger stated that with the first ordinance there would be a financial gain from the sprinkler companies, with Alderman Dugger's proposal only the town citizen's and fire department would benefit. The Chief further had asked if any individual benefitted from the ordinance. Alderman Dugger stated not to his knowledge, but if anyone would like to discuss it, he would be more than happy to after the meeting.

Alderman Felts stated that all of this has been heard in the past. He would like to ask that this be deferred until the new board takes effect in January.

Mayor Knapper stated that he agreed and there has been a lot of input tonight. He stated that initially he felt this board should deal with this ordinance due to the length of time the board had worked previously on this issue. Although, now he would have to agree

with Alderman Felts.

Alderman Wilson made a motion to postpone this reading until January, Alderman Phillips seconded and this passed unanimously.

Alderman Dugger withdrew his motion to approve this ordinance, Alderman Wilson withdrew his second.

Mayor Knapper noted that the Planning Commission would not be meeting on the 11<sup>th</sup> of November due to the observation of Veterans day. The Planning Commission will meet the following Thursday, November 18. Mayor Knapper congratulated the new Aldermen elect.

Alderman Dugger asked where are we on the paving? Rich Woodroof stated that he had met with Sessions Paving to paving next week.

Alderman Dugger further stated that due to discussion of altering minutes he would like to make sure that the tapes are in a secure place.

Mayor Knapper adjourned the meeting at 10:09 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Charles F. Knapper  
Mayor